

Remarks/Arguments:

Claims 1-29 were pending. Applicant has now canceled claims 7, 8, 10, 27 and 29.

Claims 30-32 are newly added.

Drawings:

As requested, Applicant has now added a new sheet for Figures 6a and 6b, showing a snap fastener as set forth in claim 2, pads coupled together as set forth in claim 4, and webbing material as set forth in claim 5. No new matter has been entered.

The specification has been amended to include the new figures.

Section 112 Rejections:

Claim 27 has now been canceled.

Section 102 Rejections:

Claims 1, 3-5, 10-13, 15-20 and 25-28 have been rejected as being anticipated by Kastendieck. Applicant respectfully submits that this rejection is overcome for the reasons set forth below.

Amended claim 1 now includes features which are not anticipated or suggested by the cited reference, namely:

- the frame assembly including **three frame members comprising a center member and two end members;**
- **two hinges providing hinged interconnections between the three frame members**, such that the head harness may be **compacted** through operation of the hinged interconnections;
- the **center member and the two end members providing a continuously curved surface** to the frame assembly for fitting against the head of the user.

Basis for the frame assembly including three frame members comprising a center member and two end members may be seen, for example, in FIG. 1. As shown, frame assembly 102 includes center member 102a and two end members 102b and 102c.

Basis for two hinges providing hinged interconnections between the three frame members, such that the head harness may be compacted through operation of the hinged interconnections may be seen, for example, in FIG. 2 and in the specification, at page 9, second paragraph. As discussed therein, frame assembly 102 incorporates two hinges 102d (only one hinge is visible in FIG. 2). The hinged interconnection allows frame assembly 102 to be folded into a compact shape for storage. The ability to fold head harness 102 into a compact shape helps to minimize the bulk of equipment the user carries. Furthermore, head harness 100 is less susceptible to damage during storage in a compact case.

Basis for the center member and the two end members providing a continuously curved surface to the frame assembly for fitting against the head of the user may be seen, for example, in FIG. 2. As shown, center member 102a and the two end members, 102b and 102c, provide a continuously curved surface to frame assembly 102 for fitting against the head of the user.

Kastendieck discloses frame assembly 16, as shown in FIG. 5, including forehead padding and cheek padding. Kastendieck, however, does **not** disclose a frame assembly that includes **a center member and two end members**. Furthermore, Kastendieck does **not** disclose **two hinges providing hinged interconnections between the three frame members**, such that the head harness **may be compacted through operation of the hinged interconnections**. In addition, Kastendieck does **not** disclose that the center member and the two end members provide **a continuously curved surface formed to fit against the head** of the user. Reconsideration is requested for amended claim 1.

Independent claim 10 has now been canceled.

Claim 12 has been amended so that it depends from amended claim 1. Amended claim 12 is not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 1.

Claim 25 has been amended so that it depends from amended claim 1. Amended claim 25 is not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 1.

Dependent claims 2-6, 9, 11-26 and 28 depend from amended claim 1 and, therefore, are not subject to rejection in view of the cited reference for at least the same reasons set forth for amended claim 1.

Claims 7-9, 25, 28 and 29 have been rejected as being anticipated by Aitchison. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Claims 7-8 have now been canceled.

Amended claim 9 now depends from amended claim 1. As previously discussed, amended claim 1 includes three frame members comprising a center member and two end members. Furthermore, amended claim 1 includes two hinges providing hinged interconnections between the three frame members such that the head harness may be compacted.

Aitchison discloses frame members 8, 10, 13 and hinge 9, as shown in FIGS. 1 and 2. Aitchison, however, does **not** disclose three frame members, wherein **the center member and the two end members provide a continuously curved surface to the frame assembly for fitting against the head of the user**. As shown in FIG. 1 of Aitchison, **frame members 10, 10 are not curved and do not form a continuously curved surface with center member 8**. Furthermore, **end members 10, 10 and center member 8 are not a continuously curved surface so that each may fit against the head of the user**.

Claims 23 and 24 have been rejected as being anticipated by Mattes. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claims 23 and 24 now depend from amended claim 1.

Mattes, as shown in FIG. 1, discloses a frame assembly that is formed from a single member. Mattes does **not** disclose or suggest at least one feature of amended claim 1, namely, **the frame assembly being formed with a center member and two end members which are hinged together.**

Section 103 Rejections:

Claim 2 has been rejected as being obvious in view of Kastendieck and Dobbie. Claim 6 has been rejected as being obvious in view of Kastendieck and Turner. Applicant respectfully submits that these rejections are overcome for the reasons set forth below.

Amended claims 2 and 6 each depend from amended claim 1.

Neither Dobbie nor Turner disclose or suggest features of amended claim 1, namely, a frame assembly that includes three frame members comprising a center member and two end members. Furthermore, neither of these references discloses hinges that interconnect the three frame members such that the head harness may be compacted.

Allowable Subject Matter:

Claims 14, 21 and 22 have been objected-to, as being dependent upon a rejected base claim but would be allowable, if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has now combined claim 14 with its base claims of 12 and 13. This combination is now included in **newly added claim 30.**

Claim 21 has been combined with claim 12 to form **newly added claim 31.**

Claim 22 has been amended so that it is combined with claim 12 to form **newly added claim 32.**

Applicant respectfully submits that newly added claims 30-32 are in condition for allowance.

Conclusion

Claims 1-6, 9, 11-26 and 28 are in condition for allowance.

Newly added claims 30-32 are also in condition for allowance.

Respectfully submitted,



Jack J. Yankovitz, Reg. No. 42,690
Attorney for Applicant

JJJ/mc

Attachment: Figures 6a, 6b (1 sheet)

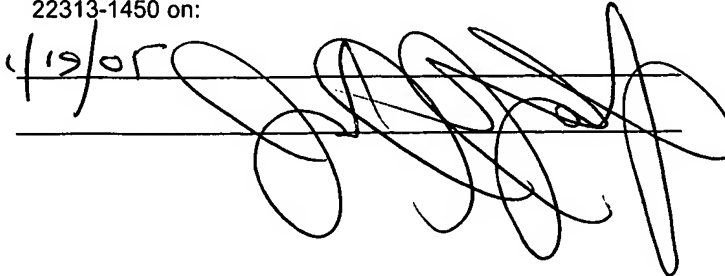
Dated: January 19, 2005

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

1/19/05



MC_1:\ITDE\PNV\102US\AMEND_01.DOC